

**House File 2349 - Introduced**

HOUSE FILE 2349

BY HAGENOW and ROGERS

**A BILL FOR**

1 An Act relating to commercial sexual activity and human  
2 trafficking and providing penalties and making penalties  
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.102, subsection 1, paragraph c,  
2 Code Supplement 2011, is amended by adding the following new  
3 subparagraph:

4 NEW SUBPARAGRAPH. (032) Solicitation of commercial sexual  
5 activity in violation of section 710A.2A.

6 Sec. 2. Section 710A.1, subsection 4, Code 2011, is amended  
7 to read as follows:

8 4. a. "*Human trafficking*" means participating in a venture  
9 to recruit, harbor, transport, supply provisions, or obtain a  
10 person for any of the following purposes:

11 ~~a.~~ (1) Forced labor or service that results in involuntary  
12 servitude, peonage, debt bondage, or slavery.

13 ~~b.~~ (2) Commercial sexual activity through the use of force,  
14 fraud, or coercion, except that if the trafficked person is  
15 under the age of eighteen, the commercial sexual activity need  
16 not involve force, fraud, or coercion.

17 b. "*Human trafficking*" also means knowingly purchasing or  
18 attempting to purchase services involving commercial sexual  
19 activity from a victim or another person engaged in human  
20 trafficking.

21 Sec. 3. Section 710A.2, Code 2011, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 8. A person's ignorance of the age of the  
24 victim or a belief that the victim was older is no defense to a  
25 violation of this section.

26 Sec. 4. NEW SECTION. 710A.2A Solicitation of commercial  
27 sexual activity.

28 A person shall not entice, coerce, or recruit, or attempt  
29 to entice, coerce, or recruit a victim reasonably believed to  
30 be under the age of eighteen, to engage in a commercial sexual  
31 activity. A person who violates this section commits a class  
32 "D" felony.

33 Sec. 5. Section 915.87, subsection 2, paragraph b, Code  
34 2011, is amended to read as follows:

35 b. The victim assisting, attempting, or committing a

1 criminal act. This paragraph shall not apply to a victim under  
2 the age of eighteen involved in commercial sexual activity as  
3 defined in section 710A.1.

4 EXPLANATION

5 The bill classifies the crime of solicitation of commercial  
6 sexual activity, as created in new Code section 710A.2A in  
7 the bill, as a tier III sex offense for purposes of the sex  
8 offender registry law in Code chapter 692A.

9 The bill defines human trafficking pursuant to Code chapter  
10 710A to include knowingly purchasing or attempting to purchase  
11 services involving commercial sexual activity from a victim or  
12 another person engaged in human trafficking.

13 The bill provides that a person's ignorance of the age of the  
14 victim or a belief that the victim was older is no defense to a  
15 violation of the human trafficking law pursuant to Code section  
16 710A.2.

17 The bill creates the crime of solicitation of commercial  
18 sexual activity prohibiting a person from enticing, coercing,  
19 or recruiting, or attempting to entice, coerce, or recruit a  
20 victim reasonably believed to be under the age of 18, to engage  
21 in a commercial sexual activity. A person who violates this  
22 law commits a class "D" felony. Under Code section 710A.1,  
23 "commercial sexual activity" means any sex act or sexually  
24 explicit performance for which anything of value is given,  
25 promised to, or received by any person and includes but is not  
26 limited to prostitution, participation in the production of  
27 pornography, and performance in strip clubs.

28 The bill provides that a victim shall not be disqualified  
29 from receiving crime victim compensation under Code chapter  
30 915 if the victim was under the age of 18 and was involved in  
31 commercial sexual activity as defined in Code section 710A.1.